

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

SADIE HACKLER on behalf of herself) SA-18-CV-00911-XR
and all others similarly situated

V.)

TOLTECA ENTERPRISES INC.)

ADVISORY TO THE COURT ON CLASS LIST

Now comes Tolteca Enterprises Inc., who provides this advisory to the court regarding the list of class members.

Counsel has been in contact with Tolteca Enterprises Inc. Tolteca’s counsel has been told that Tolteca told its bulk mailer service to cooperate with Plaintiff’s lawyers on the names and addresses of the class members for the time period relevant to the class period.¹ The bulk mailer is a company named Focus One. Focus One was used to send out letters the Plaintiff alleges was in violation of the Federal Fair Debt Collection Practices Ac. (The “form letter”). At Tolteca’s request, Focus One prepared a list of addresses and names of the class members which was delivered to Plaintiff’s lawyers. The list originated from Tolteca’s Debt Net and MARS software. The software would generate the name and address of the consumer and from that information, Focus One would have prepared its list for the Plaintiff. Plaintiff’s lawyers then provided the list to another company to prepare and send out the class notice.

According to Tolteca’s records, the Focus One list is believed to be accurate and complete for the time period of the class action. Any discrepancies are not wilful or intentional.

It is not outside the realm of possibility that some potential class members may have

¹The time period of the class is August 31, 2017 to August 31, 2018.

moved, left no forwarding address, passed away, have no interest in this matter, or are otherwise reluctant to join the class. There may be numerous persons to whom mail is not deliverable for a variety of reasons. Also there may be duplications due to skip tracing and the same letter going to the particular putative class member. Tolteca will correct any error if any is detected on any names and addresses.²

It is also possible that particular putative class members may have multiple addresses and there probably are some duplications. Plaintiff's attorneys have alluded to the probability of multiple addresses for the same person who might be a class member.

These possibilities are outside Tolteca's control but Tolteca will endeavor to cross check Plaintiff's list with the list information Focus One would have relied upon.

WHEREFORE, Tolteca files this Advisory with the court in connection with this case.

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CERTIFICATE OF SERVICE

I certify that the foregoing has been e-filed on August 10, 2020, with the court's CM/ECF electronic filing system which will give notice electronically to all opposing counsel in this case.

S/Tom Clarke

²Debt Net and MARS are being replaced as being difficult to use and as being old technology and that such software does not readily generate a list of consumer names and addresses in an easily extracted excel spreadsheet.

